

**Missoula Parks & Recreation Partners in Parks**

**WORKING DRAFT**

**Donation and Monument Policy**

The City of Missoula’s Board of Parks & Recreation respects the desire of groups and individuals to make donations of cash, land, park improvements, open space improvements, recreation facilities, and programs, including donations offered in tribute to a special event, individual, organization, or loved ones. The Board also recognizes the community’s desire to not be unduly burdened by donations that do not fit within a public park or recreation setting: cannot be affordably sustained or maintained; do not meet applicable federal, state, or local codes; or, that present an undue concern or burden regards public safety, security, funding, or liability within the parks and recreation system. Accordingly, the Board shall provide opportunities for members of the community to donate funds, services, facilities, materials, etc…, to the parks and recreation system in accordance with these adopted policy and guidelines.

**Authority:**

Missoula Municipal Code § 2.28.020 (Powers‑‑Duties—Meetings) grants authority to the Board of Parks & Recreation to regulate and manage the City’s parklands pursuant to § 7-16-4222, Montana Code Annotated.

**Administration:**

The Missoula Board of Parks & Recreation thereby authorizes the Director, or the Director’s designee, to administer and implement the adopted Donation policy and guidelines including development of standards and requirements such as, but not limited to: identification and approval of location, siting, design standards, term(s), review processes, maintenance or service standards, and record keeping.

These guidelines are based on the best practices of similar agencies; the needs and resource capabilities of the City of Missoula, and the desire of citizens to provide for donations. Citizens interested in donating to the Department must contact the Missoula Parks and Recreation Department to discuss their interests, options, time frames, standards, naming provisions, etc…..

**Donations in General:**

Donations may be accepted for the following categories:

* Park & Conservation Lands
* Park & Recreation Facility Development
* Trail Construction
* Trailhead Development (Conservation lands)
* Recreation Programs
* Park & Facility Maintenance
* Interpretive signage programs

**Donation Procedures:**

The City's Parks and Recreation Department will administer one or more programs to promote, expend and responsibly manage donations in accordance with City, State and Federal laws, regulations and rules as well as applicable City accounting and purchasing rules and policies.

Donations to an approved Park and Recreation Department program or project shall be administered in conformance with the program’s policies and guidelines to ensure donations are received, accounted for, and expended a manner that is consistent with the goals and objectives recognized and approved by the Board of Parks & Recreation.

Donations involving physical improvement of parklands or establishment of a new recreation program must be reviewed and acted on by the Board of Parks & Recreation. A prospective donor should contact the Missoula Parks and Recreation Department to discuss the intent, desired outcome, amount and timing of donation(s), naming provisions, special maintenance or operational issues, and any other latches or concerns that may be connected to the donation or gift and the potential for acceptance by the City.

**Donation Acceptance Criteria:**

1. **Compliance with Adopted Plans:**  A donation must be in general conformance with the goals, policies, and capital improvement plan element found in the adopted Master Park & Recreation Plan, Open Space Plan, Conservation Lands Plan, and supporting adopted documents. In addition, the donation must also fulfill: an identified community need or service based on an adopted park master plan; an existing recreation program need; enhance equal access for all members of the community; and not materially change the intended use or arrangement of the park or program.
2. **Financial Sustainability:** A donation cannot be accepted if the proposed land, facility, improvement, or program would impose an undue financial burden on the City regards liability and public safety; administration of facilities and programs; operation and maintenance; physical modification of an existing facility; or restrictions on park property or use of a facility. A donation with an endowment for maintenance or operation of the facility or program may be accepted if the endowment fully offsets the projected long-term operating cost impact and maintenance burden.
3. **Compliance with laws and program standards**: A donation shall not be accepted if conditions or latches are attached that would violate any adopted Federal, State or Municipal law, regulation or policy. A donation may not be accepted if conditions are attached that would conflict with an established program standard, including but not limited to: inclusion, diversity, affordability, equal access, respect, security, privacy, etc….
4. **Compliance with development regulations and standards:** Donations of services or facilities shall comply with all applicable laws, rules, and codes as well as established park development standards, specifications, and policies. A donor of services or facilities shall complete a release form acknowledging the City as being responsible for interpretation and enforcement of laws, rules, codes, and policies related to construction including but not limited to: permitting, development and design standards; construction specifications; details and materials; and the conduct of services on City parklands.
5. **Compliance with adopted Parks & Recreation Policies:** Donations that involve physical placement of a naming placard, tribute, marker, sign, monument in a park, on the donated features, or within a recreation facility are required to comply with the adopted Naming Policy; Sign policy; and the, Plaques, Markers, and Tributes Policy. The Board of Parks & Recreation shall review and approve the placement, size, style, materials as part of the donation acceptance process.
6. **Ownership, Warrantee, Maintenance and Replacement:** Ownership of donated funds, donated services, park and recreation facilities, park amenities and signage become the property of the City at the time of final acceptance. Any and all warrantees associated with the project shall be conveyed to the City by the donor and their agents. The City shall be responsible for operation and maintenance of all donated features in accordance with City standards and the terms of any maintenance agreement provided for in a donation agreement. The City is self-insured, and as such has no specific responsibility to replace a donated feature due to the effects of normal wear and tear, severe vandalism, aging, or catastrophic loss (fire, flood, earthquake, etc…).
7. **Conflicting Donations avoided:** If in the opinion of the City, a park or recreation facility is determined to be fully developed, a proposed donation for new facilities in same, may be declined. If the timing requirements of a proposed donation cannot be accommodated by the Department due to limitations on staffing, matching funds, or operating funds the Board may decline the donation. The City may decline a donation for placement in a named park or facility to respect for the interest and intent of the preceding donor; to comply with the terms of a separate donation agreement; or if it is determined the proposed donation would be deleterious to the health, safety, welfare, public morals, or financial wellbeing of the City.

**Parklands and facility not available for tributes or improvement donations:**

The following list of parks and facilities are restricted in regards to the City’s ability to accept additional donations for features, monuments, or tributes: